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Public Notice: Sac & Fox Tribe of the Mississippi in Iowa, Tama County, Iowa

How to Comment

Comments accepted through: 04/01/2019

Written comments may be submitted, by mail or email, through **April 1, 2019**, to:

Sondra Tucker

Water, Wetlands and Pesticides Division

EPA Region 7

11201 Renner Blvd.

Lenexa, KS 66219

Email: tucker.sondra@epa.gov

Publish Date: 03/01/2019

Summary

Notice of Application from the Sac & Fox Tribe of the Mississippi in Iowa for Eligibility to Administer Regulatory Programs under Clean Water Act Sections 518, 303(c) and 401

The U.S. Environmental Protection Agency (EPA) Region 7 announces the comment period on the application from the Sac & Fox Tribe of the Mississippi in Iowa, also known as the Meskwaki Nation (the "Nation"), seeking an EPA determination under section 518(e) of the Clean Water Act (CWA) of the Nation's eligibility to administer tribal water quality standards and water quality certification regulatory programs [CWA sections 303(c) and 401]. Notice for the comment period was also published on March 1, 2019, in the Meskwaki Nation Times as well as the Des Moines Register and Marshalltown Times Republican. **The comment period concludes on April 1, 2019.**

The Nation submitted the application in the spring of 2017. EPA provided the Nation with a notice that the application is ready for review after the Agency conducted a preliminary review, communicated with the Nation, and received additional information. Before determining the Nation's eligibility, federal regulations require EPA to notify "appropriate governmental entities" and provide 30 days for written comment "limited to the Tribe's assertion of authority." [See CWA regulations found at 40 CFR 131.8(c)(3).] The Agency interprets the term "appropriate governmental entities" to include those states, tribes, and other federal entities located adjacent to the Tribe applying for eligibility. Thus, in accordance with the CWA regulations, EPA provided notice and an opportunity for comment from the state of Iowa on the Tribe's assertion of authority to regulate surface water quality in the waters described above. EPA has provided the state with a copy of the complete application with supporting maps. In addition to the written notice to the state of Iowa, in accordance with EPA's policies, the Agency is publishing this announcement to notify interested parties of the Nation's assertion of authority. A copy of the application materials, additional information submitted by the Nation, and letter to Iowa can be found in the Administrative Record for this matter. These documents are available for public review.

At this time, EPA is reviewing the Nation's eligibility application, in accordance with the federal water quality standards regulation at 40 CFR 131.8, and requests comments on the Nation's assertion of authority to regulate surface water quality under CWA sections 303(c) and 401 within the trust lands identified in the application.

Approval of the eligibility application would allow the Nation to submit water quality standards to EPA for review and action under CWA section 303(c) for all surface waters within the trust lands identified in the Nation's application. These surface waters include portions of the Iowa River, Onion Creek, Raven Creek, Cattail Creek, Bennett Creek, and several unnamed tributaries. Approval would also provide the Nation with the authority to issue or deny section 401 certification for federal permits or licenses for activities on these trust lands that may result in a discharge to surface waters.

The Nation's lands and reservation waters are located Tama County in the state of Iowa. The eligibility application only includes lands held in trust by the federal government for the Nation. A copy of the Nation's complete application, which includes a table and maps identifying the tribal trust lands, is available on [EPA's website](#). The Nation's application also may be reviewed, or copied at requestor's expense, from 8:00 a.m. to 4:30 p.m. weekdays at the Meskwaki Nation Department of Natural Resources, 1826 340th Street, Tama, IA 52339; Jarrett Pfrimmer, director, phone: 641-484-3511 or fax: 641-484-3614.

Comments on the Meskwaki Nation's assertion of authority to regulate surface water quality under CWA sections 303(c) and 401 within the lands identified in the Nation's application may be submitted **in writing** to EPA Region 7 contact listed below, by mail or email, **through April 1, 2019**.

Sondra Tucker

Water, Wetlands and Pesticides Division
EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219
Email: tucker.sondra@epa.gov

If you have any questions, please contact Sondra Tucker by email at tucker.sondra@epa.gov, at 913-551-7796 or toll-free at 1-800-223-0425.

Applicant or Respondent

Sac & Fox Tribe of the Mississippi in Iowa
Tama County, IA

LAST UPDATED ON MARCH 1, 2019